

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

REC'D T.R.
REGULATORY AUTH.
'00 APR 11 AM 11 58

IN RE:

COMPLAINT OF DISCOUNT
COMMUNICATIONS AGAINST
BELLSOUTH
TELECOMMUNICATIONS, INC.

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DOCKET NO. 00-00230

STATE OF TENNESSEE
EXECUTIVE SECRETARY

PETITION TO INTERVENE

Comes the Office of the Attorney General & Reporter, through its Consumer Advocate Division, pursuant to Tenn. Code Ann. 65-4-118(c)(2)(A), and petitions to intervene in this case on behalf of customers of Discount on "Lifeline," a state and federal program that provides subsidies to low income persons in order that they might be able to afford telephone service. For cause the Petitioner would show as follows:

I.

1. The Consumer Advocate Division of the Office of the Attorney General is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act (UAPA).

2. BellSouth Telecommunications, Inc. is a publicly held utility and is subject to the jurisdiction of the Tennessee Regulatory Authority ("Authority") pursuant to Tenn. Code Ann. § 65-4-101. Counsel for BellSouth Telecommunications, Inc. is Guy Hicks, BellSouth

Telecommunications, Inc., Suite 2101, 333 Commerce Street, Nashville, Tennessee 37201.

3. Complainant Discount Communications, Inc. is a reseller of telecommunications services and has filed a complaint with the TRA in this case. Discount Communications is represented by Henry Walker of Boulton, Cummings, Conners & Berry, 411 Union Street, Suite 1600, Nashville, Tennessee 37219.

4. In a letter dated March 27, 2000, from Henry Walker, writing on behalf of Discount Communications, Discount Communications alleged that “[a]s a result of the above-captioned dispute between the parties, BellSouth has threatened to terminate service to Discount Communications, a reseller, and has already denied the company access to BellSouth’s LENS system, effectively crippling Discount’s ability to stay in business.” Letter from Henry Walker, March 27, 2000, attached hereto as **Exhibit A**.

5. In a letter dated March 29, 2000, from Edward M. Hayes, owner of Discount Communications, to Vincent Williams of the Consumer Advocate Division, Discount Communications informed the Consumer Advocate Division of the dispute between BellSouth Telecommunications and Discount Communications, alleging that “Lifeline, Linkup and Directory Assistance are the principal matters to be considered in this case.” Letter from Edward M. Hayes, March 29, 2000, attached hereto as **Exhibit B**.

6. Lifeline and Link-up are programs under Tennessee law which provide a discount on telephone service to qualifying persons, particularly persons of low income.

7. On Thursday, April 6, 2000, Discount Communications filed a Pre-Hearing Brief that for the first time explicitly raised, with references to applicable law, several issues that the Consumer Advocate Division has an interest in and which warrant intervention.

8. First, Discount Communications alleges that certain charges by BellSouth violate orders by the Federal Communication Communications (FCC). Discount Pre-Hearing Brief at 3. Basically, Discount argues that BellSouth should be charging Discount \$3.50 per month less for Lifeline customers than it now does. If Discount is correct, this could mean \$3.50 off the monthly bill paid by a Lifeline customer.

9. Second, Discount raises an issue of blocking the number of directory assistance calls made by Lifeline customers after six calls are made in any one month. Discount Pre-Hearing Brief at 5. Limiting directory assistance calls raises issues of whether this is permissible under state law and whether if permissible it is technically feasible.

10. BellSouth alleges in its Reply Brief that it can increase any and all rates affecting the service of Lifeline customers and unilaterally modify its existing contract with resellers or insert new costly services into elements of Lifeline service even if the action makes the service less affordable.

11. BellSouth should be estopped from arguing that directory assistance is not part of basic local exchange service when the decision in Docket No. 94-02876 expressly held that the charge for directory assistance had previously been included in the overall price of local services as opposed to an explicit charge.

12. The notice in this case does not adequately address the issues.

Wherefore the Petitioner prays that the Authority grant its Petition to Intervene and for such other relief as is just.

Respectfully submitted,

Vance L. Broemel

Vance L. Broemel, 11421
Assistant Attorney General
Consumer Advocate Division
Cordell Hull Building, 2nd Floor
425, 5th Avenue North
Nashville, Tennessee 37243-0500
(615)-741-8700

Certificate of Service

I hereby certify that a true and correct copy of the Petition to Intervene was served on parties below via U.S. Mail, postage prepaid, this April, 10th, 2000.

Guy Hicks, Esquire
BellSouth Telecommunication, Inc.
Suite Room 2101
333 Commerce Street
Nashville, Tennessee 37201

Henry Walker, Esquire
Boult, Cummings, Connors & Berry
411 Union Street
Suite 1600
Nashville, Tennessee 37219

Vance L. Broemel
Vance L. Broemel

**BOULT
CUMMINGS
CONNERS
& BERRY** PLC

LAW OFFICES
414 UNION STREET, SUITE 1600
POST OFFICE BOX 198062
NASHVILLE, TENNESSEE 37219

Henry Walker
(615) 252-2363
Fax: (615) 252-6161
Email: hwalker@bccb.com

March 27, 2000

RECEIVED
MAR 27 PM 3 34
TELEPHONE (615) 244-2582
FACSIMILE (615) 252-2380
INTERNET WEB <http://www.bccb.com/>

David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

**In Re: Complaint of Discount Communications against BellSouth
Telecommunications
Docket No. 00-00230**

Dear David:

As of yesterday, I have been retained to represent Discount Communications which has a pending complaint against BellSouth Telecommunications, TRA, Docket 00-230. I have been told that the case will be on the March 28 conference agenda for the purpose of appointing an administrative judge to hear Discount's complaint.

The purpose of this letter is, first, to enter my appearance on behalf of Discount and, second, to ask that if a administrative judge is appointed, one be named tomorrow so that Discount Communications can immediately seek interim relief.

As a result of the above-captioned dispute between the parties, BellSouth has threatened to terminate service to Discount Communications, a reseller, and has already denied the company access to BellSouth's LENS system, effectively crippling Discount's ability to remain in business. (See attached Affidavit)

Therefore, I request that, if an Administrative Judge is appointed, that he be named at, or shortly after, the TRA's public meeting tomorrow, so that Discount may request interim relief pending the outcome of a hearing on Discount's complaint.

Sincerely,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Henry Walker

HW/nl

c: Guy Hicks, counsel for BellSouth Telecommunications

EX.A

POSTED
3:30



ATM/Discount Communications Inc.

"Your Complete Telecommunications Provider"

3798 Park Avenue
Memphis, TN 38111-6649
Phone...(901) 843-6070
Toll Free 888 639-0669
Fax...(901) 327-2809
www.atm-disc.com

RECEIVED

MAR 29 2000

STATE ATTORNEY GENERAL
CONSUMER ADVOCATE DIVISION

March 29, 2000

The Honorable L. Vincent Williams, Consumer Advocate
Office of The Attorney General and Reporter
425 Fifth Avenue North
Nashville, TN 37243-0485

**In Re: Complaint of Discount Communications against
BellSouth Telecommunications
Docket No. 00-00230**

Dear Mr. Williams,

Greetings and warmest felicitations to you and your staff. I am writing you today because the people of Tennessee need your help.

On Tuesday March 28, 2000 the aforementioned matter was discussed before the Tennessee Regulatory Authority (TRA). This complaint will be heard on Tuesday April 11, 2000. On behalf of Tennessee's consumers I am formally requesting that you intervene in this matter especially to safeguard the interests of every end user in general and especially those whom our company endeavors to serve.

Lifeline, Linkup and Directory Assistance are the principal matters to be considered in this case. Federal law and public policy, as you know, mandate these programs. In this regard, there are two hundred and sixty eight providers (268) of local phone service in Tennessee, including incumbent local exchange companies, competing local exchange companies, and resellers such as Discount Communications. To the best of our knowledge, we are the only resellers providing *Lifeline* and *Linkup* service in Tennessee: the rest of our competitors are operating in violation of public policy, if not the law. If we are put out of business due to unfair, unethical and perhaps illegal business practices the citizens of Tennessee will be denied access to this much needed service.

Please let me hear from you regarding this matter immediately.

Sincerely,

Edward M. Hayes
Edward M. Hayes
Owner

EX. B